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November 2, 2000

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

VIA HAND DELIVERY

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 12th St. S.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Oral *Ex Parte* Presentation
WT Docket No. 99-87

Dear Ms. Salas:

On Wednesday, November 1, 2000, Lawrence R. Krevor, Senior Director of Government Affairs for Nextel Communications, Inc. ("Nextel"), and Leonard J. Kennedy, counsel for Nextel, met with Adam Krinsky, Legal Advisor to Commissioner Gloria Tristani, regarding the above-referenced proceeding. During the meeting, they discussed approaches to advance spectrum efficiency by allowing Business and Industrial/Land Transportation ("B/ILT") licensees the flexibility to transfer voluntarily their licenses to commercial mobile radio service ("CMRS") providers or to engage in joint ventures with CMRS providers.

Mr. Krinsky asked whether permitting B/ILT licensees to engage in commercial service, or assign their spectrum to commercial providers, would create an increased potential for interference to public safety communications systems from nearby commercial operations. Mr. Krevor answered that permitting cellular-type commercial service on the B/ILT channels is unlikely to result in a significant increase in interference to adjacent public safety communications networks. Mr. Krevor explained that this concern applies only to the 70 public safety channels interleaved with 50 Business and 50 Industrial/Land Transportation channels at 800 MHz. The *six megahertz* of public safety spectrum at 821-824/866-869 MHz are not adjacent to the B/ILT channels that are the subject of this docket; therefore public safety systems on those channels would be unaffected by the proposed changes. Similarly, there are no public safety channels adjacent to or interleaved with the 900 MHz B/ILT channels.

Furthermore, the record in this proceeding establishes that approximately 50 percent of existing Business channel licenses and 66 percent of ILT licenses already authorize commercial service -- the vast majority of which are held by commercial licensees operating cellular

architecture-type systems.¹ Therefore, permitting B/ILT licensees to engage in commercial service will neither substantially change the current RF environment on these channels nor substantially increase the potential for interference to public safety communications systems.

Mr. Krevor also explained that under the aegis of the Wireless Telecommunications Bureau (the "Bureau"), industry representatives have formed a working group to develop definitive information on the scope and severity of commercial/public safety interference and to recommend mitigation techniques and solutions. This group, consisting of Motorola, the Association of Public Safety Communications Officers ("APCO"), the Cellular Telecommunications and Internet Association ("CTIA"), Nextel and the Public Safety Wireless Integrated Network ("PSWIN") is nearing completion of a "Best Practices Guide." The information contained in the Guide will improve the ability of both commercial and public safety providers to identify conditions in which such interference may occur. It provides information to assist parties, once they have identified potential interference situations, to engage in coordinated frequency use planning and base station siting to prevent it or, if interference already exists, to mitigate or eliminate it. The "Best Practices Guide" will be completed soon and will be submitted to the Bureau and made available in both hard copy and on the Internet.

Nextel places the highest priority on addressing interference between its operations and public safety communications systems. Nextel has an outstanding record in devoting engineering expertise, resources and dollars to mitigate such interference. To the extent that Nextel obtains additional B/ILT channels for commercial service, it will continue to respond expeditiously to such situations and will voluntarily coordinate with potentially affected public safety communications systems using the additional information and procedures set out in the Best Practices Guide.

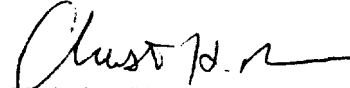
For all of the above reasons, granting B/ILT licensees the flexibility to provide commercial service, or sell their licenses to commercial providers, will not significantly change the status quo regarding commercial/public safety interference; accordingly no mandated procedures or license conditions are warranted. The Commission's recognition of this matter, including the responsibility of all affected parties to coordinate their operations to prevent or mitigate interference, would facilitate such cooperation and complement the Bureau's existing initiative as well as the output of the working group.

¹ Nextel is today the leading holder of 800 MHz B/ILT channel licenses and provides commercial service throughout the nation using a cellular-type network. Similarly, Southern Company, the leading licensee on these channels in the southeast, operates a cellular-type commercial network.

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Nextel appreciates this opportunity to summarize the above-referenced *ex parte* meeting and to further address Mr. Krinsky's concerns. Pursuant to Section 1.1206(b) of the Commission's Rules, an original and one copy of this letter are being submitted to the Secretary's office and a copy is being provided to Mr. Krinsky. Please inform me if any questions should arise in connection with this filing.

Sincerely,



Christina H. Burrow

Attachment

cc: Clint Odom
Adam Krinsky
Mark Schneider
Peter Tenhula
Bryan Tramont
Kathleen O'Brien-Ham
David Furth